



St 4<sup>th</sup>  
Board of Appeals

#28  
5/8/03  
AP/26744

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:  
Robert C. Frame

Serial No.: 09/096,684

Filed: June 12, 1998

For: PORTABLE COMPUTER SYSTEM

Group Art Unit:

2673

RECEIVED

APR 22 2003

Examiner:

Lao, L Technology Center 2600

Atty. Docket:

COMP:0060/FLE  
PD-25744

RECEIVED

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

APR 28 2003  
Office of Patent Publication  
Director's Office

April 15, 2003  
Date

  
Michael G. Fletcher

Sir:

**LETTER TO EXAMINER REGARDING ORDER  
RETURING UNDOCKETED APPEAL TO EXAMINER**

On March 3, 2003, the Board entered an Order Returning Undocketed Appeal to Examiner, stating that the application was returned to enter a fee for the Notice of Appeal filed on September 17, 2001. Specifically, the Board stated that before further review of this file, the Notice of Appeal fee must be applied to the Appellant's account. However, a review of Appellant's file, along with related materials, reveals that the fee for the Notice of Appeal appears to have already been paid. Accordingly, if Patent Office records do not indicate payment of this fee, it may be due to an error in the Patent Office not recording that such fee was charged.

In the Notice of Appeal mailed on September 7, 2001, Appellant attached a PTO-2038 form authorizing the charge of the requisite fee to the credit card listed thereon. Furthermore, the Notice of Appeal stated that if the PTO-2038 form was missing, if the amount listed thereon was insufficient, or if the amount was unable to be charged to the credit card for any other reason, the

BOARD OF PATENT APPEALS  
AND INTERFERENCES

2003 MAY -2 AM 9:40

RECEIVED

Commissioner was authorized to charge Deposit Account No. 06-1315, Order No.

COMP:0060/FLE (PD-25744).

The undersigned has reviewed the invoices related to the credit card listed on the PTO-2038 form, and it appears that the fee of \$310.00 was charged to the undersigned's account on October 1, 2001. See Exhibit A. Furthermore, the undersigned has reviewed records of the listed Deposit Account in the relevant time period, and no charges for the above-referenced file or for the amount of \$310.00 appears. Therefore, it is respectfully believed that the Patent Office charged the fee for the Notice of Appeal to the undersigned's credit card as requested in the Notice of Appeal.

In view of the remarks set forth above, Appellant respectfully submits that the fee for the Notice of Appeal has been paid by Appellant and possibly misapplied by the Patent Office. Therefore, Appellant requests that the Patent Office consider the fee for the Notice of Appeal as having been paid and forward the application to the Board for consideration of the pending Appeal. However, if Appellant's belief is incorrect, the Commissioner is authorized to charge the requisite fee for the Notice of Appeal to Deposit Account No. 08-2025; Order No. COMP:0060/FLE (200304707-1).

Respectfully submitted,

Date: April 15, 2003

  
Michael G. Fletcher  
Reg. No. 32,777  
FLETCHER, YODER & VAN SOMEREN  
P.O. Box 692289  
Houston, Texas 77269-2289  
(281) 970-4545

# **EXHIBIT**

# **A**

## **Transactions Continued**

<b>September 26, 2001</b>	US PATENT & TRADEMAR WASHINGTON, DC	DC	1,998.00
GOVT. SVCS. NOT ELSEWHE			
Reference: 027011285			
<b>September 28, 2001</b>			36.00
DONERAKI 1960	HOUSTON	TX	
FOOD & BEVERAGE CC			
FOOD/BEV			
TIP	31.32		
	4.68		
Reference: 006010073			
<b>September 28, 2001</b>			1,844.00
US PATENT & TRADEMAR WASHINGTON, DC	DC		
GOVT. SVCS. NOT ELSEWHE			
Reference: 027508385			
<b>September 29, 2001</b>			42.86
LOWES	HOUSTON	TX	
HOME IMPROVEMENT			
Reference: 027011285			
<b>October 1, 2001</b>			310.00
US PATENT & TRADEMAR WASHINGTON, DC	DC		
GOVT. SVCS. NOT ELSEWHE			
Reference: 027508385			
<b>October 2, 2001</b>			348.00
US PATENT & TRADEMAR WASHINGTON, DC	DC		
GOVT. SVCS. NOT ELSEWHE			
Reference: 027609152			
<b>October 2, 2001</b>			4992.00
US PATENT & TRADEMAR WASHINGTON, DC	DC		
GOVT. SVCS. NOT ELSEWHE			
Reference: 027609152			
<b>October 2, 2001</b>			2,868.00
US PATENT & TRADEMAR WASHINGTON, DC	DC		
GOVT. SVCS. NOT ELSEWHE			
Reference: 027609152			
<b>October 2, 2001</b>			2,450.00
US PATENT & TRADEMAR WASHINGTON, DC	DC		
GOVT. SVCS. NOT ELSEWHE			
Reference: 027609152			
<b>October 2, 2001</b>			750.00
US PATENT & TRADEMAR WASHINGTON, DC	DC		
GOVT. SVCS. NOT ELSEWHE			
Reference: 027609152			

*Continued on next page*

**Change of Address  
if correct on front  
do not use**

Name \_\_\_\_\_

## Company

**Street Address**

**City, State**

**Zip Code**

**Area Code and**

Aura

A large grid of 40 empty square boxes arranged in five rows and eight columns, designed for handwriting practice.

Providing your email address to American Express will enable you to receive special offers, suited to your needs.